HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 165 of 2005

Petitioner		Cement Corporation of India, *Mandhar Cement Plant, Mandhar,* Raipur, Through: General Manager.
	Versus	
Respondents	1.	Union of India, through Secretary *Labour Deptt. Shram Shakti* Bhawan, New Delhi.
	2.	Appellate Authority under Payment *of Gratuity Act, Regional Labour* Commissioner (Central Government) Jabalpur (Madhya Pradesh).
	3.	Controlling Authority Under *Payment of Gratuity Act, Assistant* Labour Commissioner (Central Government) Anand Nagar, Raipur.
	4.	Shri Bharat, S/o Itwari, Village *Tanda, Post Office Akoli, Distt:* Raipur (C.G.).
	5.	Shri T. R. Ragara, Contractor, Mandhar Cement Factory, Mandhar, Raipur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri N. K. Vyas, Advocate for the petitioner.

Shri Ajay Barik, Advocate for the respondent No.1.

Shri Rakesh Anthony, Advocate for the respondent No.5.

ORDER

(Passed on this 9th day of May, 2007)

1. The petitioner is a unit of the Cement Corporation of India, a public undertaking, involved in manufacturing of cement. The respondent No.4 is a contract worker, engaged by the respondent No.5. The petitioner Corporation filed an appeal before the Appellate Authority, under the Payment of Gratuity Act, 1972 (for short 'the Act, 1972') and Regional Labour Commissioner (Central), Jabalpur (M.P.)

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against the order dated 3.12.2003 passed by the Controlling Authority and A.L.C.(C), Raipur. The Appellate Authority declined to entertain the appeal on the ground that the gratuity amount, as required was not paid by the petitioner-Corporation.

2. Learned counsel appearing for the petitioner-Corporation submits that the petitioner-Corporation is ready and willing to deposit the gratuity amount as required under second proviso to Section 7 (7) of the Act, 1972.

3. Thus, in view of the submissions made by the learned counsel for the petitioner, the impugned order dated 3rd March 2004 (Annexure P/1) is set aside. The Appellate Authority is directed to consider the appeals filed by the General Manager, Cement Corporation of India – petitioner, subject to the petitioner's depositing the gratuity amount within a period of two weeks from today.

4. In view of the foregoing, this petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur